

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Arron King, Sr.,

File No. 24-cv-1303 (ECT/TNL)

Plaintiff,

v.

**ORDER ACCEPTING REPORT
AND RECOMMENDATION**

Officer Bellinger, *Correctional Officer –
Staff*; MD.O.C.; and Keith Ellingston,
Secretary of State,

Defendants.

Magistrate Judge Tony N. Leung issued a Report and Recommendation on June 3, 2024. ECF No. 7. In April, Judge Leung directed Mr. King to pay an initial filing fee of \$68.40, ECF No. 6, which Mr. King has failed to do. Judge Leung therefore recommends dismissing this action for failure to prosecute under Federal Rule of Civil Procedure 41(b). ECF No. 7. No party has objected to that Report and Recommendation,¹ and it is therefore reviewed for clear error. *See* Fed. R. Civ. P. 72(b); *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996) (per curiam). Finding no clear error, the matter will be dismissed.

It should be noted that Mr. King filed a letter seeking clarification regarding his payment obligation on June 24, 2024. ECF No. 10 (“I need to know if my case #24-cv-1303 needs a payment . . . clarify to me on this case what I need to do ASAP[.]”). The Clerk of Court responded the same day, enclosing Judge Leung’s order (ECF No. 6) and

¹ Pursuant to Local Rule 72.2(b)(1), parties have fourteen days to object to a Report and Recommendation. Because Mr. King is proceeding *pro se* and is incarcerated, he was afforded more than thirty days to object.

the Report and Recommendation (ECF No. 7), both of which inform Mr. King of his payment responsibility. ECF No. 11. More than two weeks have elapsed since that letter was sent, and Mr. King has neither paid the fee nor responded to the Report and Recommendation.

Therefore, based upon all the files, records, and proceedings in the above-captioned matter, **IT IS ORDERED THAT:**

1. The Report and Recommendation [ECF No. 7] is **ACCEPTED**.
2. This action is **DISMISSED without prejudice** for failure to prosecute.
3. Plaintiff's Motion to Appoint Counsel [ECF No. 4] to is **DENIED as moot**.
4. Plaintiff's Application to Proceed in Forma Pauperis [ECF No. 5] is **DENIED as moot**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: July 10, 2024

s/ Eric C. Tostrud

Eric C. Tostrud
United States District Court